



BARRINGTON PLANNING BOARD MEETING
Early Childhood Learning Center
77 Ramsdell Lane, Barrington, NH
Tuesday November 13, 2012
6:30 p.m.

MEETING MINUTES

J. Huckins, Chair called the meeting to order at 6:37 pm

ROLL CALL

John Huckins, Chair
Anthony Gaudiello
George Calef
Jackie Kessler

Alan Kelley, Vice-Chair
Dawn Hatch, Ex-officio
Steven Oles - A

Alternate Members: Stephen Jeffery to sit for Steve Oles

Town Planner: Marcia Gasses

NOTE; THESE ARE SUMMARY ACTION MINUTES ONLY. A COMPLETE COPY OF THE MEETING AUDIO IS AVAILABLE THROUGH THE LAND USE DEPARTMENT

MINUTES REVIEW AND APPROVAL

1. Approval of October 23, 2012 Regular Meeting Minutes

A motion was made by G. Calef and seconded by A. Gaudiello to approve the October 23, meeting minutes. The motion carried unanimously.

NON-ACTIONS ITEMS

The following items were not heard at the request of the applicant and moved to the November 20, 2012 meeting

2. Steven White, White Law Offices, PA, preliminary discussion on Map 269, Lot 11 Robert and Deborah Martin.
3. John Wallace discussion for zoning changes.

Request to move item #9 to be heard before item #4

A motion was made by G. Calef and seconded by A. Gaudiello to hear agenda item #9 before agenda item #4. The motion carried unanimously.

ACTION ITEMS

9. **231-32-GR-12-SR (Club Kidz)** Request by applicant Cheryl Hill to present a minor site plan to change age from five years zero months to four years eight months on a 3.50 acre site, located at 24 Swain Road (Map 231, Lot 32) in the General Residential (GR) Zoning Districts. By: Cheryl Hill, Club Kidz; 22 James Henry Drive, Barrington, NH 03825.

Applicant Cheryl Hill explained her request. Ms. Hill was licensed by the State to serve children starting at age four years eight months and Fire Chief Richard Walker had brought to her attention that she needed to change her site approval to coincide with her license.

A. Kelley asked for clarification on request.

G. Calef opined that it did not affect anything in her approval.

A motion was made by G. Calef and seconded by D. Hatch to accept the application. The motion carried unanimously.

A motion was made by G. Calef and seconded by A. Kelley to approve the application. The motion carried unanimously.

Cheryl Hill requested a partial refund of fees due to the brevity of the request.

M. Gasses agreed a partial refund would be appropriate if the board chose to. She suggested \$75.

A motion was made by J. Kessler and seconded by A. Gaudiello to allow a \$75.00 partial refund of the application fee for Ms. Hill. The motion carried unanimously

4. **SR12/416 (Toy Tech-Heidi & Shawn Atkinson)** Request by applicant to present a proposal to construct a 40 x 60 s.f. building for the operation of Automotive Service Station, Repair Garage and all motorized propelled vehicles on a 1.59 acre site located at 10 Commerce Way (Map 250, Lot 85) in the Regional Commercial (RC) and Stratified Drift Aquifer Overlay (SDA) Zoning Districts. By: Jason Pohopek, Pohopek Land Surveyors, LLC; 42 Flagg Road; Rochester, NH 03867.

Jason Pohopek supplied revised plans. An oil separator had been added and detail sheets provided. The suggestion from Tom Abbott at the TRC was to put in detectable warnings, those had been added.

M. Gasses read notes from the TRC.

J. Huckins asked what the concern was with the cape cod berm.

Pohopek suggested a maintenance note, which had been added to the plan.

Landscaping was shown on the plan.

motion was made by J. Kessler and seconded by A. Gaudiello to accept the application as complete. The motion carried unanimously.

A. Kelley asked that a note be added requiring annual inspection and maintenance of the Cape Cod berm by the property owner.

A motion was made by A. Gaudiello and seconded by G. Calef to approve the application with the conditions that:

- 1. Dubois & King approve of the drainage plan*
- 2. Note #10 on C-1 was revised to reflect the drainage will be annually inspected and repaired as required*

The motion carried unanimously.

4a. Case #12/619 (Route 4 Oaks Subdivision) Request by applicant for an extension to meet precedent conditions to March 6, 2013

Jason Pohopek explained the applicant was working with NHDOT to address their concerns.

A motion was made by A. Gaudiello and seconded by D. Hatch to approve the extension to March 6, 2013. The motion carried unanimously

5. SR12/410 (Gas Station and Convenience Store) Request by applicant to construct a 5,000 sf convenience store and gas station on a 1.84 acre site located at 491 Calef Highway (Map 238, Lot 4) in the Town Center (TC) and Stratified Drift Overlay (SDA) Zoning Districts. Applicant: The Three Socios, LLC; 321 D Lafayette Road, Hampton, NH 03842

G. Calef recused himself from this application

Update by Barry Gier of Jones & Beach Associates. The applicant is still working with NHDOT to address issues.

A motion was made by D. Hatch and seconded by J. Kessler to continue the application to December 4, 2012. The motion carried unanimously.

6. 12-238/44 (Turbocam-Additional Parking Lot) Request by applicant for a proposal to expand the existing parking lot with 58 parking spaces located at 607 Calef Highway (a/k/a Route 125) (Map 238, Lot 44) in the Village District (VD) Zoning District. Applicant: Don Fillebrown; Virtuous Realty, LLC; PO Box 830; Barrington, NH 03825. By: Barry Gier, P.E, Jones & Beach Engineers, Inc.; PO Box 219; Stratham, NH 03885.

A. Gaudiello recused himself

G. Calef came back to the table

Barry Gier for Jones & Beach explained they had revised the plan to address the issues raised by Dubois & King and they were just waiting for Dubois & King to complete their final review.

J. Huckins asked for public comment

J. Huckins closed public comment.

A motion was made by J. Kessler and seconded by G. Calef to grant conditional approval based on no issues arising from the Dubois & King review. The motion carried unanimously

A motion was made by J. Kessler and seconded by D. Hatch to allow chair to certify the plans if the Dubois & King review came back without issues. The motion carried unanimously

7. **262-14-11-GR-12-SP (Rivers Edge of Barrington, LLC)** Request by applicant for a Section 9.6 Special Permit from the Zoning Ordinance to allow driveway and a portion of parking turnaround to encroach into 50' wetland buffer on a .95 acre site located at 41 Cedar Creek (Map 262, Lot 14-11) in the General Residential (GR) Zoning District. By: David W. Vincent, LLS; Land Surveying Services.

David Vincent explained he had provided revised plans submitted with notes on November 13, 2012. The applicant had received a building permit, septic, & driveway permit. The building inspector had brought to the applicants attention he had done work in the buffer. Applicant agreed to move footing over and pull driveway out of 50' set back. Notes address stabilization, winter notes also on plans.

J. Huckins asked for public comment

There was no public comment

A motion was made by J. Kessler and seconded by D. Hatch to accept the application as complete. The motion carried unanimously

A motion was made by D. Hatch and seconded by J. Kessler to approve the application with the condition that revegetation must be completed or surety in place prior to the issuance of a certificate of occupancy if weather does not allow for planting. The planting must be completed as soon as weather permits. The motion carried 6-1

8. **210-57-GR-12-SR Daniel Hussey (Trinity Conservation-Gravel Excavation Operation)** Request by applicant to propose a Gravel Excavation Operation with access through Map 210, Lot 44 on a 100 acre site located on Green Hill Road (Map 210, Lot 57) in the General Residential (GR) Zoning District. By: Jeff Kevan; TF Moran, Inc.

Jason Hill from T. F. Moran presented an over view of the project.

D. Hatch recused

Jason Hill continued with project description. Timber harvesting has gone on. Applicant owned the parcel for approximately ten years. The applicant would have liked to see application accepted as

complete. J. Hill explained there was the market in the area for the material. The owner would be subject to renewal permitting. They believe the use was appropriate for the area. Wooded buffer in place to buffer from nearby residence.

There is an existing gravel access road which was proposed to be widened to 18 feet. Two culverts to be upgraded. No wetland areas located within the site. 100 year flood plan outside the scope of project.

Initial 10 acre disturbance with reclamation in 5 acre increments.

A. Kelley asked if there was any timing on the progression.

Jason Hill explained 5-7 years on the first phase. The applicant was trying to be proactive with the town. They wanted to work with the town; it would have a renewal process. The site had large distances to roadways and would have natural screening and a 50' buffer to Rochester line.

J. Huckins questioned the distance to the houses on the Rochester side.

J. Kessler asked if there were trees along the property line.

J. Huckins explained that according to a communication the board had received it had been said that some the trees had been cleared.

Jason Hill talked about the water table and keeping a separation. A recharge basin would be providing for drainage for up to a 100-year storm.

Jason Hill explained on the west side there was existing ledge that ultimately the applicant would want to utilize. Blasting best management practices would need to be followed.

J. Huckins asked how large an area.

Jason Hill estimated 3-5 acres.

Jason Hill discussed dust management would require the stabilization and management of dust.

J. Hill – requesting three waivers. Recorded property plans were used to lay out the proposed site. Waivers sought for Surveyor's certification and Boundary Monumentation

J. Huckins asked if initial permanent bench mark was provided to start.

J. Hill would provide state permits. Have supplied the Islinglas Advisory Committee with application for AOT permit. The applicant is working with Fish & Game to provide turtle nesting area.

In terms of traffic there would be a few employees and hauling operation. 30 loads or 60 trips. They felt it would be 10 on average. The existing traffic is approx. 200 trips. Soil boring conducted at 800' intervals. 2 ½ inch to 3 ½ inch pavement 6-9 inch crushed gravel. Green Hill Road was scheduled to be repaved in the next 2 years. The applicant would like to set up meeting with town staff regarding any necessary improvements.

Leo Breuder of Sugar Brook Road in Rochester would be considered a direct abutter to the project if not for the 30' piece of property owned by the City of Rochester. He opined there was buffer behind their homes. The property had been staked showing property lines. It was cleared to property line. A lot of noise from shooting and dirt bikes exists currently. Dust was going to be an issue.

William Potter built on Jessica Drive in 1986. He distributed pictures of damage from blasting day taken after blasting occurred the first time back in the 90's. No reclamation effort had taken place. There was no telling how many trucks. He referenced the web site that the applicant had set up talking about the property. 155-E sited when excavation operations were not allowed.

Russ Brackett spoke about the view that the site would be 1800' from Green Hill road but the road came back around behind their properties. The drainage came very close to their back yards. Very concerned with water quality issues. Asked if Conservation Commission had been involved.

J. Huckins said the Conservation Commission would be involved.

Russ Brackett questioned if the town was aware of the diminution in property values. This could be costly to the town. He asked is there would be a processing plant on site because it would change the operation. They have not identified the operator. The road is spongy at best.

Leroy Myers explained they had clear-cut to his property line. A subdivision was denied a few years ago due to concerns with the entrance.

Dick West heard 100 cars; he knew he had to wait to enter his driveway. He discussed the bridge and safety. The front of his house was 20' from Green Hill Road. He was afraid for the kids and school buses and could not imagine there was no other use for this lot.

Eve Faulker expressed they had clear-cut up to their property line. A permanent injunction was in place on Hussey but the Town of Barrington was the benefactor. She had read the decision and it was based on the conclusion it would harm the neighbors and the value of their homes. She read from a prepared statement.

Elizabeth Doren Healey was concerned for the entire community. Had we thought about the Isinglass River. Questioned whether they were going to tap into one of those veins. Her property was flooded during the Mother's Day floods. The property should not be able to be used to the detriment of everyone else.

Joyce West spoke of trails along the river and through the area. There were small scotch pines but the site came right up to the back of the homes. There are many children and school busses. Her opinion that you did not see many heavy trucks. She was an outdoors person.

Celia Banneberg had been there 30 years and remembered the blasting and the road being built from Green Hill Road. A large slow moving dump truck was an accident waiting to happen. The pit was denied because of the road and the bridge. People drive too fast and she was unhappy. It is about one truck every 8 minutes.

J. Huckins asked for the location of her house.

Ms. Banneberg said her retirement lot is located directly across from the entrance. Jim Andrews from Rochester expressed the area was very fruitful with wildlife. He was concerned about the potential blasting with new houses and foundations that had natural gas feeding them.

Matt Pappas from Rochester expressed that at least 30 homeowner did not receive notice because of the 30' strip. Wildlife does not care for industrial sites. Most abutters within a stone throw. No mention was made in the presentation on the effect on the homeowners. Phase two is 400' that is not very far. Property values were going to plummet now and they are going to go down and stay down.

Jim Conley 231 Green Hill Road located right at the crest of the hill. He expressed the numbers came to about one every 8 minutes. He expressed there were road dangers and homeowners would be negatively impacted. He would feel every truck that came through and it would be a financial hardship to everyone in the area.

Jeff Smith of Green Hill Road opinioned that the project would be going on for up to 25 years and traffic was going to increase. He lived a few houses down from the entrance. The area by the entrance was scary. He explained that you heard break noise going down to the bridge. On the applicant's web site, it talks of 1 million cubic yards available to be removed.

Denise Loiser agreed with everyone that it had been clear-cut. There was skidder road through her back yard. The one-lane bridge was an interesting ride on a bike. Home values had already declined due to the market.

Cindy Andrews was concerned about the health issues because of the clear cutting and the dust that would be produced.

J. Huckins closed the public portion for this evening.

J. Huckins discussed having an appraiser come in regarding values. They would need someone who that was their field, not a real-estate agent.

G. Calef stated to make sure it was a licensed appraiser not a Real Estate Agent.

J. Huckins asked for the site distance with speed, the need to look at real traffic speed. They would need an environmental impact analysis. He wanted the blasting clarified, best management practices, and impact. What are you going to plan to do and how are they going to handle it.

A. Kelley was curious on the injunction.

The board asked for a legal opinion on the Hussey injunction from Town Council.

The board ask to have fire concerns forwarded.

M. Gasses expressed concern over the twelve-year-old data on the water table.

A. Kelley questioned the crushing operation.

Jason Hill stated they could provide a more detailed plan on the excavation.

J. Kessler explained we have to follow the rules and regulations and act on facts. The board had to follow the letter of the law.

J. Huckins asked if we could accept the three waivers listed in the application.

1. Surveyor's certification of the whole lot to be stamped by a licensed surveyor.
2. Boundary Monumentation
3. Benchmarks every 5 acres but will provide one permanent.

Discussion ensued.

J. Huckins explained that they did not have to grant the waiver.

J. Kessler did not feel comfortable with the situation.

G. Calef expressed that the original plan was drawn and approved and now another engineering firm was adding to it.

A. Gaudiello questioned if the boundary markers were in place.

A motion was made by A. Gaudiello and seconded by J. Kessler to approve the waiver for the survey and boundary markers. A roll call vote was called. The motion failed.

Roll Call

A. Gaudiello - no	A. Kelley – no
G. Calef -yes	J. Kessler - no
J. Huckins – no	
S. Jeffrey – no	Vote 1-5

J. Huckins discussed having a motion for the benchmarks every five acres. One permanent bench mark would be provided.

A. Gaudiello questioned if there would be variability in the water table

J. Huckins explained most likely.

A motion was made by A. Gaudiello and seconded by S. Jeffrey to grant the waiver for the benchmarks, with one permanent benchmark being provided.

A. Kelley wondering if there should be a condition for sight distance.

Roll call vote

S. Jeffrey-yes
A. Kelley- yes
A. Gaudiello- yes
G. Calef- yes
J. Kessler –yes
J. Huckins- yes

Vote 6-0

J. Huckins explained that the board could not accept the application as complete at this time.

A motion was made by A. Kelley and seconded by A. Gaudiello to continue the application to December 4, 2012. The motion carried

REPORT FROM THE PLANNING DEPARTMENT

None

Peter Cook recommended both of the following building permits be granted.

*10.Private Road Policy/John Houle, Map 102 Lot 0082 recommendation from the Planning Board.

Private

*11.Road Policy Victor & Kelley LaPierre, Map 104 Lots 119 & 120 recommendation from the Planning Board

J. Huckins explained they needed to make a recommendation that they concur with Peter Cook.

A motion was made by A. Kelley and seconded by A. Gaudiello to recommend item #10 for John Houle and support Peter Cook's recommendation for the issuance of a building permit for Map 102 Lot 0082.

The vote carried unanimously

A motion was made by A. Kelley and seconded by A. Gaudiello to recommend item #11 for Victor & Kelley LaPierre and support Peter Cook's recommendation for the issuance of a building permit for Map 104 Lots 119 &120. The motion carried unanimously

Discussion on having a description.

J. Huckins asked Marcia if she knew what the board was asking Jae for an opinion on the Hussey injunction.

COMMUNICATIONS RECEIVED

None

REPORTS FROM OTHER COMMITTEES

None

UNFINISHED BUSINESS

None

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

None

SETTING OF DATE, TIME AND PLACE OF NEXT MEETING AND ADJOURNMENT

November 4, 2012 at 6:30

A motion was made by A. Kelley and seconded by A. Gaudiello to adjourn at 9:28 p.m. The motion carried unanimously

Respectfully submitted,

Marcia J. Gasses
Town Planner and Land Use Administrator